

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Tion Yakeian Dailey,

Civil No. 06-378 (RHK/FLN)

Plaintiff,

ORDER

v.

Burnsville Police Dept./
Ofc. Stoller,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated March 7, 2006, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation (Doc. No. 4) is **ADOPTED**;
2. Plaintiff's application to proceed without prepayment of fees (Doc. No. 2) is

DENIED; and

3. This action is **DISMISSED WITHOUT PREJUDICE**.

March 29, 2006

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge